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CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

INCOME-TAX

New Delhi, the 13th October, 1964

S.O. 3660.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:—

1. These rules may be called the Income-tax (Fourth Amendment) Rules, 1964.

2. In rule 15 of the Income-tax Rules, 1962, (hereinafter referred to as the principal rules), for the words and figures "rules 16 and 38", the words, figures and letter "rules 16, 38 and 48A" shall be substituted.

3. After rule 48 of the principal rules, the following part and rules shall be inserted, namely:—

"PART X-A

ANNUITY DEPOSITS

48A. Notice of Demand.—Notwithstanding anything contained in rule 15, the notice of demand under section 156 in respect of annuity deposit referred to in Chapter XXIIA, to be served upon a depositor (to whom the provisions of that Chapter apply)—

- (i) in pursuance of an order under section 280F, shall be in Form No. 37A;
- (ii) in pursuance of an order under section 280K, shall be in Form No. 37B;
- (iii) in any other case, shall be in Form No. 37C.

48B.—Estimate of advance deposit.—The estimate which a depositor has to send to the Income-tax Officer under section 280H shall be in Form No. 37D.

48C. Estimate of annuity deposit for the assessment year 1964-65.—The estimate which a depositor has to send to the Income-tax Officer under sub-section (1) of section 280L shall be in Form No. 37E."

4. In rule 68 of the principal rules, in sub-rule (1), for clause (d), the following clause shall be substituted, namely:—

“(d) to meet the expenditure on building a house, or purchasing a site or a house and a site:

Provided that the employee furnishes an undertaking to the Trustees not to encumber or alienate such house or site or house and site, as the case may be.”

5. In Appendix II to the principal rules—

(i) in Form No. 1, Form No. 2 and Form No. 3—

(a) in the verification, for the words “I Declare”, the words “I solemnly declare” shall be substituted;

(b) after the words “THE SIGNATORY SHOULD SATISFY HIMSELF THAT THE RETURN IS CORRECT AND COMPLETE IN EVERY RESPECT BEFORE SIGNING THE VERIFICATION,” wherever they occur, the words and figures “ANY PERSON MAKING A FALSE STATEMENT IN THE RETURN WILL BE LIABLE TO PROSECUTION UNDER SECTION 277 OF THE INCOME TAX ACT, 1961 AND ON CONVICTION WOULD BE PUNISHED WITH RIGOROUS IMPRISONMENT WHICH WILL NOT ORDINARILY BE FOR LESS THAN SIX MONTHS AND MAY EXTEND TO TWO YEARS.” shall be inserted;

(ii) in Form No. 28,

(1) for the existing paragraph 2, the following paragraph shall be substituted, namely,—

“*2. Whereas after the issue of the previous notice of demand served on you on your assessment/ an assessment of the registered firm of which you are a partner for a previous year later than that referred to in the order under section 210(1), dated19..... has been completed, / you have paid tax under section 140A for an assessment year later than that referred to in the order under section 210(1), the sum payable by you as advance tax has been re-determined to be Rs..... as specified in the enclosed order.”;

(2) in the Enclosure,—

(a) for the words and figures “Total income determined in respect of the latest completed regular assessment being that for the year 19..... 19..... as reduced by the amount of capital gains included therein, if any.”, the following shall be substituted, namely:—

“Total income on the basis of which

@tax under section 140A has been paid regular/provisional assessment has been made being that for the year 19... .. 19..... as reduced by the amount of capital gains included therein, if any.”;

(b) below the existing foot note, the following foot note shall be inserted, namely,—

“@. Delete inappropriate words.”;

(iii) after Form No. 37, the following Form shall be inserted, namely:—

"FORM NO. 37A

[See rule 48A (i)]

**NOTICE OF DEMAND UNDER SECTION 156 OF THE INCOME-TAX ACT, 1961
FOR MAKING OF ADVANCE DEPOSIT UNDER SECTION 280F OF THE
INCOME TAX ACT, 1961.**

To

.....
.....
This is to give you notice under section 280F of the Income-tax Act, 1961, that the amount of advance deposit required to be made by you during the financial year 19..... - 19..... has been determined to be Rs..... as specified in the enclosed order.

2. Whereas after the issue of the previous notice of demand served on you on
.....*your provisional/regular assessment/an assessment of the registered firm in which you are a partner for an assessment year later than that referred to in the order under section 280F (1) dated 19..... has been completed *you have paid tax under section 140A for an assessment year later than that referred to in the order under section 280F(1), dated 19..... the amount of advance deposit required to be made by you has been re-determined to be Rs. as specified in the enclosed order.

3. The amount should be deposited in equal instalments on or before the 1st June, 1st September, 1st December, 19..... and 1st@/15th March, 19.... respectively with any office of the Reserve Bank of India or any branch (within India) of the State Bank of India or any of its subsidiary banks. If the amount is deposited, the bank shall issue to you Ten-Year Annuity Deposit Certificate(s) of face-value equal to the amount of deposit. If this notice of demand is served upon you after any of the dates on which the instalments specified herein are due, the amount should be deposited in equal instalments on the dates which fall after the service of the notice or in one instalment if the notice is served after the 1st day of December, 19.....

4. If at any time before the 1st instalment as aforesaid is due, you estimate that your total income or adjusted total income of the previous year relevant to the assessment year commencing on the 1st day of April, is less than the amount with reference to which or, as the case may be, in respect of which you have been asked to make advance deposit as above and accordingly you wish to make a deposit of an amount less than the amount which you have been required to deposit by this notice, you may send to the Income-tax Officer (i) an estimate of the adjusted total income of the said previous year; and (ii) an estimate of the advance deposit to be made in respect of such adjusted total income calculated in the manner laid down under section 280E, and in that event you should make such deposit (less any instalment already deposited in accordance with paragraph 3 of this notice) as accords with your estimate in equal instalments on such of the dates specified above as have not expired or in one sum if the last of such dates is the only one which has not yet expired. You may revise your estimate at any time before the last instalment is due and may adjust any excess or deficiency in respect of any instalment already deposited in a subsequent instalment or instalments.

5. If your income of the previous year relevant to the assessment year commencing on the 1st day of April, 19..... includes any income of the nature of commission which is receivable periodically and is not received or adjusted by the payer in your account before any of the quarterly instalments of advance deposit becomes due, you may defer the making of advance deposit in respect of that part of your income to the date when such income is normally receivable or adjustable, and if you do so, you should inform the Income-tax Officer of the date to which the making of deposit is so deferred.

6. If the amount of instalments required to be deposited by you as above is not a multiple of ten rupees, the amount of each such instalment, except the last instalment, should be rounded off to the nearest multiple of ten rupees and where such amount contains a part of ten rupees, then, if such part is five rupees or more, it should be increased to ten rupees and if such part is less than five rupees, it should be ignored. Any excess or deficiency should be adjusted in the last instalment.

*Delete inappropriate paragraphs or words.

@Applicable in cases covered by the proviso to section 211(1) as applied to advance deposit by section 280 G.

7. If not having made an estimate of the advance deposit required to be made by you under sub-section (1) or (2) of section 280H, you do not deposit any instalment of advance deposit on or before the date on which it becomes due under paragraph 3 of this notice, you will be treated as in default in respect of such instalment and will be liable under section 280R to a penalty which may be as great as one-half of the instalment due. If, however, you have under section 280I deferred the making of a part of the advance deposit and have informed the Income-tax Officer accordingly, you will not be treated as in default in respect of such deposit until the date of deferment.

8. If, under sub-section (1) or (2) of section 280H, you send to the Income-tax Officer an estimate of the advance deposit to be made by you, but do not deposit any instalment of annuity deposit in accordance therewith on or before the appropriate date, you will be treated as in default in respect of such instalment and will be liable under section 280R to a penalty which may be as great as one-half of the amount of the instalment.

Dated.....

Income-tax Officer

Place

Address

NOTE 1.—If you are an author, playwright, artist, musician or actor, you have the option under section 280U of the Income-tax Act, 1961 to make a further deposit of an amount not exceeding twenty five per cent of your income from such profession included in your total income of the previous year relevant to the assessment year commencing on the 1st day of April, 19... Any such further deposit may be made in the same manner as the advance deposit referred to in this notice.

NOTE 2.—If your total income of the previous year relevant to the assessment year commencing on the 1st day of April 19.... includes any gratuity chargeable under the head 'Salaries' you have the option under section 280V of the Income-tax Act, 1961 to make a further deposit of an amount not exceeding fifty per cent of the amount of such gratuity. Any such further deposit may be made in the same manner as the advance deposit referred to in the above Notice.

ENCLOSURE TO FORM NO. 37A

ORDER UNDER SECTION 280F OF THE INCOME TAX ACT, 1961

Name of Depositor District or area
State No. in General Index Register
Address.....

	Rs.	Rs.
Total income on the basis of which		
* tax under section 140A has been paid		
regular/provisional assessment has been made		
being that for the assessment year 19....-19....		
<i>Less</i>		
(i) Sums included in salary under section 17(1) (vii)		
(ii) Income chargeable under the head "Salaries" in respect of which the assessee can make an application for the grant of relief under section 89(1)		
(iii) the depositor's share in the profits and gains of an unregistered firm (liable to make an annuity deposit for the relevant assessment year) of which he is a partner		
(iv) the amount which the depositor, by virtue of his membership of an association of persons or a body of individuals (other than a Hindu undivided family or a firm) which is liable to make an annuity deposit for the relevant assessment year, is entitled to receive therefrom		

(v) Compensation or other payment referred to in section 28(ii)

(vi) Capital gains

(vii) Annuity under the Annuity Deposit Scheme

Income in respect of which Annuity Deposit is to be made

Total sum required to be deposited

(In figures as well as in words)

Rs. (Rupees Paise)

Dated Income-tax Officer

Address

*Delete inappropriate words.

FORM No. 37 B

[See rule 48A(ii)]

NOTICE OF DEMAND UNDER SECTION 156 OF THE INCOME TAX ACT, 1961, FOR
MAKING ANNUITY DEPOSIT PROVISIONALLY DETERMINED UNDER
SECTION 280 K OF THE ACT

To

.....
.....
Status

G.I.R.No.

This is to give you notice that under section 280K of the Income-tax Act, 1961, the amount of annuity deposit required to be made by you for the assessment year 19.....19.....on the basis of income provisionally assessed under section 141 has been determined to be Rs.....

2. The amount should be deposited with any office of the Reserve Bank of India or any branch (within India) of the State Bank of India or any of its subsidiary banks within 35 days of the service of this notice. The previous approval of the

days
Inspecting Assistant Commissioner of Income-tax has been obtained for allowing a period of less than 35 days for the making of the above deposit. If the deposit is made, the aforesaid bank shall issue to you Annuity Deposit Certificate(s) of face-value equal to the amount of deposit.

3. If you do not make the deposit within the period specified above, penalty (which may be as great as one-half the amount of annuity deposit in arrear) may be imposed upon you after giving you a reasonable opportunity of being heard in accordance with the provisions of section 280R.

4. If you do not make the deposit within the period specified above, proceedings for the recovery thereof will be taken in accordance with sections 222 to 229 and 231 to 233 of the Income-tax Act, 1961.

Dated.....

Income-tax Officer

Place.....

Address

NOTE.—Delete inappropriate words.

FORM No. 37C

[See rule 48A (iii)]

NOTICE OF DEMAND UNDER SECTION 156 OF THE INCOME-TAX ACT, 1961, FOR MAKING OF ANNUITY DEPOSIT OTHER THAN ADVANCE DEPOSIT OR THE DEPOSIT REQUIRED TO BE MADE UNDER SECTION 280K ON THE BASIS OF INCOME PROVISIONALLY ASSESSED UNDER SECTION 141 OF THE ACT.

To

.....

Status

G.I.R. No.

This is to give you notice that the amount of annuity deposit required to be made by you for the assessment year 19.. 19.. has been determined to be Rs. as per details given on the reverse.

2. The amount should be deposited with any office of the Reserve Bank of India or any branch (within India) of the State Bank of India or any of its subsidiary banks within 35 days of the service of this notice. The previous approval of the Inspecting Assistant Commissioner of Income-tax has been obtained for allowing a period of less than 35 days for the making of the above deposit. If you make the deposit, the bank shall issue to you Annuity Deposit Certificate(s) of face value equal to the amount of the deposit.

3. If you do not make the deposit on or before the expiry of the period specified above, penalty (which may be as great as one-half the amount of annuity deposit in arrear) may be imposed upon you after giving you a reasonable opportunity of being heard in accordance with section 280R.

Dated.....

Income-tax Officer

Place

Address.....

NOTE.—Delete inappropriate paragraphs and words.

FORM No. 37D

(See rule 48B)

ESTIMATE OF THE ADVANCE DEPOSIT REQUIRED TO BE MADE UNDER SECTION 280H OF THE INCOME TAX ACT, 1961, FOR THE FINANCIAL YEAR ENDING ON THE 31ST MARCH, 19.....

Name of the assessee

Status (Please state whether individual, Hindu undivided family, unregistered firm or an association of persons)

Address

The advance deposit to be made by the depositor named above during the financial year 19..... 19..... is estimated as follows:—

I. Estimated total income of the previous year ending on.....19.....

- | | |
|--|----------|
| (1) Income from "Salaries" | Rs. |
| (2) Interest on securities | Rs. |
| (3) Income from house property | Rs. |
| (4) Profits and gains of business or profession. | Rs. |

(a) Proprietary business or profession

Name

Address

b)

Rs.

c)

Rs.

(b) Share from firm(s)

Name of the firm	Address	Whether firm has been registered in the last completed assessment	Share of income
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	Rs.	Rs.
(c) Income from an association of persons or body of individuals
TOTAL (a + b + c)
(5) Capital gains
(6) Income from other sources :		
(a) Dividend
(b) Interest
(c) Other incomes
TOTAL INCOME

2. Less

(i) Sums included in salary under section 17(1) (vii)	..	..
(ii) Income chargeable under the head "Salaries" in respect of which the assessee can make an application for the grant of relief under section 89 (1)	..	..
(iii) The depositor's share in the profits and gains of an un-registered firm (liable to make an annuity deposit for the relevant assessment year) of which he is a partner	..	..
(iv) The amount which the depositor, by virtue of his membership of an association of persons or a body of individuals (other than a Hindu undivided family or a firm) which is liable to make an annuity deposit for the relevant assessment year, is entitled to receive therefrom	..	..
(v) Compensation or other payment referred to in section 28(ii)	..	..
(vi) Capital gains	..	..
(vii) Annuity under the Annuity Deposit Scheme	..	..
TOTAL—(i + ii + iii + iv + v + vi + vii)	..	..
Adjusted total income	..	..

3. Total sum required to be deposited during the financial year under section 280 H

4. Less

(i) Annuity deposit already made in the financial year under section 280 H	..	..
(ii) Annuity deposit included in item 3 in respect of which the payment is deferred under section 280I to 19	..	..
(I certify that the part of the income in respect of which the making of annuity deposit is deferred is receivable or adjustable normally on 19 . . . . .).	..	..
5. Balance to be deposited	..	..
6. Further deposit, if any, proposed to be made under section 280U or section 280 V	..	..

Less	Rs.
Further deposit already made under section 280 U or section 280V.
Balance of further deposit to be made.
7. Total (5 + 6).

Signature of the person making the estimate.

Date.....

Place.....

Status

To
The Income-tax Officer,

- NOTE.— 1. The estimate of advance deposit should be signed by a person who is authorised to sign a return of income as provided in section 140 of the Income-tax Act, 1961.
2. If you are an author, playwright, artist, musician or actor, you have the option under section 280U of the Income-Tax Act 1961, to make a further deposit of an amount not exceeding twenty five per cent of your income from such profession included in your total income of the previous year relevant to the assessment year commencing on the 1st day of April, 19.... Any such further deposit may be made in the same manner as the advance deposit referred to above.
3. If your total income of the previous year relevant to the assessment year commencing on the 1st day of April, 19... includes any gratuity chargeable under the head "Salaries" you have the option under section 280V of the Income-tax Act, 1961, to make a further deposit of an amount not exceeding fifty per cent of the amount of such gratuity. Any such further deposit may be made in the same manner as the advance deposit referred to above.

FORM No. 37E

(See Rule 48 C)

ESTIMATE OF THE ANNUITY DEPOSIT REQUIRED TO BE MADE UNDER
SECTION 280 L OF THE INCOME -TAX ACT, 1961 FOR THE ASSESSMENT
YEAR 1964-65.

Name of the assessee

Status (Please state whether individual, Hindu
undivided family, unregistered firm or
an association of persons).

Address

The Annuity deposit to be made by the depositor named above for the assessment year 1964-65 is estimated as follows :—

1. Estimated total income :

	Rs.
(1) Income from "Salaries"
(2) Interest on securities
(3) Income from house property
(4) Profits and gains of business or profession.
(a) Proprietary business or profession

Name

Address

(1)	Rs.
(2)	Rs.

(b) Share from firm(s)

Name of the firm	Address	Whether the firm has been registered in the last completed assessment.	Share of income
------------------	---------	--	-----------------

(c) Income from an association of persons or body of individuals.			Rs.
---	--	--	----------

Total (a + b + c)			Rs.
-------------------	--	--	----------

(5) Capital gains			Rs.
-------------------	--	--	----------

(6) Income from other sources			
-------------------------------	--	--	--

(i) Dividend			Rs.
--------------	--	--	----------

(ii) Interest			Rs.
---------------	--	--	----------

(iii) Other incomes			Rs.
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TOTAL INCOME			Rs.
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2. Less :

(i) Income chargeable under the head 'Salaries'.		Rs.
--	--	----------

(ii) The depositor's share in the profits and gains of an un-registered firm (liable to make an annuity deposit for the relevant assessment year) of which he is a partner		Rs.
--	--	----------

(iii) The amount which the depositor, by virtue of his membership of an association of persons or a body of individuals (other than a Hindu undivided family or a firm) which is liable to make an annuity deposit for the relevant assessment year, is entitled to receive therefrom		Rs.
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(iv) Compensation or other payment referred to in section 28 (ii)		Rs.
---	--	----------

(v) Capital gains		Rs.
-------------------	--	----------

TOTAL (i + ii + iii + iv + v)		Rs.
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Adjusted total income		Rs.
-----------------------	--	----------

3. Annuity deposit required to be made for the assessment year 1964-65.		Rs.
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4. Further deposit, if any, proposed to be made under section 280U or section 280V		Rs.
--	--	----------

Less :

Further deposit already made under section 280U or section 280V		Rs.
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Balance of further deposit to be made		Rs.
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5. Total (3 + 4)		Rs.
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Date
Place

*Signature of the person making
the estimate

Status

To
The Income-tax Officer,

Notes *1—The estimate of advance deposit should be signed by a person who is authorised to sign a return of income as provided in section 140 of the Income-tax Act, 1961

2 If you are an author, playwright, artist, musician or actor, you have the option under section 280U of the Income-tax Act, 1961 to make a further deposit of an amount not exceeding twenty-five per cent of your income from such profession included in your total income of the previous year relevant to the assessment year commencing on the 1st day of April, 19 . Any such further deposit may be made in the same manner as the advance deposit referred to above

3 If your total income of the previous year relevant to the assessment year commencing on the 1st day of April 19 includes any gratuity chargeable under the head 'Salaries' you have the option under section 280V of the Income-tax Act, 1961 to make a further deposit of an amount not exceeding fifty per cent of the amount of such gratuity. Any such further deposit may be made in the same manner as the advance deposit referred to above

[No 75/F. No 3(35)64 TPL]

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